

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 84 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NARMADABEN HARILAL

Versus

JETHALAL PREMJI

Appearance:

MR SURESH M SHAH for Petitioners

MR BP MUNSHI for Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 26/02/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. B.P. Munshi,
learned advocate appearing for the respondents.

2. This revision application is filed by some of the
judgment debtors against the order dated 31/12/1996
passed by the learned Civil Judge (Senior Division) at
Jamnagarin Regular Execution Application No. 21/1989

below Exhs. 1, 14 and 77 rejecting the objections filed by the judgment debtors and directing to hand over possession of the suit premises with arrears of rent and mesne profits within one week from the date of the order failing which warrant for possession and moveables to issue.

3. After some amount of submissions Mr. S.M. Shah learned advocate appearing for the petitioners seeks time to vacate the suit premises on usual undertaking being filed by the adult judgment debtors. Having heard the learned advocates for the parties on this point, following direction is required to be issued :-

The impugned order passed by the learned trial Judge (Executing Court) is hereby confirmed subject to modification of the judgment debtors vacating the suit premises on or before 31/8/1997. This time is granted on condition that the adult members out of the judgment debtors file undertaking before the Executing Court within one week from today inter-alia stating in the undertaking that the suit premises will not be transferred or assigned in any manner to any-body else, that the arrears of rent and mesne profits will be deposited or paid within two months from the date of filing of undertaking, that further mesne profits will be paid regularly and that the premises will be vacated as per the time granted by this order.

Subject to what is stated above, rule is discharged with no order as to cost.

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